

Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TP ICAP AMERICAS HOLDINGS INC.,

Plaintiff,

v.

ICAP ENTERPRISES, INC.; and HAFEN,
LLC,

Defendants.

C21-539-TSZ

STIPULATION AND ORDER

I. STIPULATION

1. Plaintiff filed the initial Complaint (the “Original Complaint”) in this case on April 22, 2021 against Defendant iCap and Harbor Platform, Inc. (“Harbor”) for trademark infringement and related claims. In the process of service of the Original Complaint, Plaintiff learned that Harbor had recently merged into Defendant Hafen. Accordingly, Plaintiff filed the First Amended Complaint (the “First Amended Complaint”) on May 11, 2021, amending the Initial Complaint to replace Harbor with Defendant Hafen, but not otherwise substantively amending the Initial Complaint.

2. After the filing and service of the First Amended Complaint, the Parties have communicated in anticipation of formal discovery and exchanged initial disclosures, as required by the Fed. R. Civ. P. 26. During these communications between counsel, Plaintiff was told that

1 proposed new defendant BitGo, Inc. (“BitGo”) received by way of assignment or other
 2 contractual transfer some or all of Harbor’s assets and liabilities prior to its merger into
 3 Defendant Hafen. In other words, Plaintiff was made to believe that the subject matter forming
 4 the basis of Harbor’s liability as alleged in the Complaint and First Amended Complaint is now
 5 owned entirely or in part by BitGo.

6 3. Accordingly, Plaintiff seeks leave by this motion to further amend the First
 7 Amended Complaint to add BitGo as a defendant. Pursuant to LCR 15, a redlined copy of the
 8 proposed amended complaint is attached hereto.

9 4. Defendants have indicated that they do not oppose Plaintiff’s motion to amend its
 10 complaint pursuant to Fed. R. Civ. P. 15(a)(2) and 21 to add BitGo as a party.

11 5. The deadline for joining additional parties is September 7, 2021. See Dkt. No. 40.

12 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

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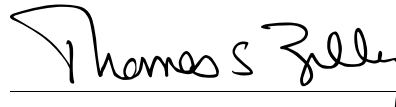
11 Attorneys for Defendant

Hafen, LLC

12 **ORDER**

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14 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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16 DATED: August 26, 2021

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19 Thomas S. Zilly

20 United States District Judge

21 4814-9302-5272.1